

# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Serial No.	09/938,098
Filing Date	August 23, 2002
First Named Inventor	Chris P. McIntosh, et al.
Examiner Name	Tu X. Nguyen
Group Art Unit	2684
Attorney Docket No.	A-65029/MSS (468282-32)

Total Number of Pages in This Submission **13**

## ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for a Patent Application)	<input type="checkbox"/> After Allowance Communication to Group
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): a Small Entity Statement (executed), check no. <u>6633</u> in the amount of <u>\$27.00</u> (for 3 additional claims) and a self-addressed stamped Postcard.
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

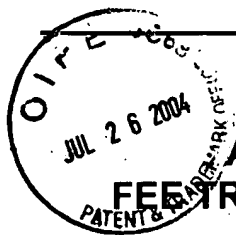
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## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Maria S. Swiatek, Esq., Reg. No. 37,244 DORSEY & WHITNEY LLP 4 Embarcadero Center, Suite 3400 San Francisco, CA 94111 Tel.: 415 781 1989	Customer Number 32940
Signature	<i>Maria Swiatek</i>	
Date	July 22, 2004	

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with Sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date:		X
Typed or printed name	Kari Bateman	
Signature	<i>Kari Bateman</i>	Date July 22, 2004



**APPLICATION  
FEE TRANSMITTAL SHEET  
(FY 2004)**

**Complete if Known**

Application No.	09/938,098
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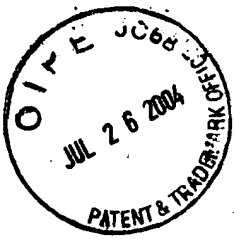
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METHOD OF PAYMENT (Check One)				FEE CALCULATION (Continued)																																																																																																			
<p>1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to: Deposit Account No.: <u>50-2319</u> Deposit Account Name: <u>DORSEY &amp; WHITNEY LLP</u></p> <p><input type="checkbox"/> Charge any additional fee required under 37 C.F.R. 1.16 and 1.17 <input checked="" type="checkbox"/> Applicant claims small entity status (see 37 C.F.R. 1.27)</p> <p>2. <input checked="" type="checkbox"/> Check Enclosed</p>				<p><b>3. ADDITIONAL FEES</b></p> <table><thead><tr><th>Large Entity Fee</th><th>Small Entity Fee</th><th>Fee Description</th><th>Fee paid</th></tr></thead><tbody><tr><td>50</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr><tr><td>130</td><td>65</td><td>Surcharge - Late nonprovisional filing fee or oath</td><td></td></tr><tr><td>180</td><td>180</td><td>Submission of IDS</td><td></td></tr><tr><td>40</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr><tr><td>110</td><td>55</td><td>Extension for reply within first month</td><td></td></tr><tr><td>420</td><td>210</td><td>Extension for reply within second month</td><td></td></tr><tr><td>950</td><td>475</td><td>Extension for reply within third month</td><td></td></tr><tr><td>1,480</td><td>740</td><td>Extension for reply within fourth month</td><td></td></tr><tr><td>2010</td><td>1005</td><td>Extension for reply within fifth month</td><td></td></tr><tr><td>770</td><td>385</td><td>Submission After Final 1.129</td><td></td></tr><tr><td>330</td><td>165</td><td>Notice of Appeal</td><td></td></tr><tr><td>330</td><td>165</td><td>Filing a brief in support of an appeal</td><td></td></tr><tr><td>290</td><td>145</td><td>Request for oral hearing</td><td></td></tr><tr><td>110</td><td>55</td><td>Terminal Disclaimer Fee</td><td></td></tr><tr><td>130</td><td>130</td><td>Petitions to the Commissioner</td><td></td></tr><tr><td>50</td><td>50</td><td>Petitions related to provisional applications</td><td></td></tr><tr><td>1,330</td><td>665</td><td>Utility/Reissue Issue Fee (including advance copies)</td><td></td></tr><tr><td>480</td><td>240</td><td>Design Issue Fee (inc. advance copies)</td><td></td></tr><tr><td>770</td><td>385</td><td>Request for Continued Examination (RCE)</td><td></td></tr><tr><td>300</td><td>300</td><td>Publication fee for early, voluntary, or normal publication</td><td></td></tr><tr><td>300</td><td>300</td><td>Publication fee for re-publication</td><td></td></tr><tr><td>110</td><td>55</td><td>Petition to Revive - unavoidable</td><td></td></tr><tr><td>1,330</td><td>665</td><td>Petition to Revive - unintentional</td><td></td></tr></tbody></table>				Large Entity Fee	Small Entity Fee	Fee Description	Fee paid	50	25	Surcharge - late provisional filing fee or cover sheet		130	65	Surcharge - Late nonprovisional filing fee or oath		180	180	Submission of IDS		40	40	Recording each patent assignment per property (times number of properties)		110	55	Extension for reply within first month		420	210	Extension for reply within second month		950	475	Extension for reply within third month		1,480	740	Extension for reply within fourth month		2010	1005	Extension for reply within fifth month		770	385	Submission After Final 1.129		330	165	Notice of Appeal		330	165	Filing a brief in support of an appeal		290	145	Request for oral hearing		110	55	Terminal Disclaimer Fee		130	130	Petitions to the Commissioner		50	50	Petitions related to provisional applications		1,330	665	Utility/Reissue Issue Fee (including advance copies)		480	240	Design Issue Fee (inc. advance copies)		770	385	Request for Continued Examination (RCE)		300	300	Publication fee for early, voluntary, or normal publication		300	300	Publication fee for re-publication		110	55	Petition to Revive - unavoidable		1,330	665	Petition to Revive - unintentional	
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<p><b>2. EXTRA* CLAIM FEES</b></p> <table><thead><tr><th>Number Claims</th><th>Prior</th><th>Extra</th><th>Fee from Below*</th><th>Fee Paid</th></tr></thead><tbody><tr><td>Total</td><td>- 20</td><td>= 3</td><td>x 9.00</td><td>= 27.00</td></tr><tr><td>Indep.</td><td>- 3</td><td>=</td><td>x</td><td>=</td></tr><tr><td>Multiple Dependent Claims</td><td>=</td><td>x</td><td>=</td><td>=</td></tr></tbody></table> <p>Subtotal (2) 27.00</p>				Number Claims	Prior	Extra	Fee from Below*	Fee Paid	Total	- 20	= 3	x 9.00	= 27.00	Indep.	- 3	=	x	=	Multiple Dependent Claims	=	x	=	=																																																																																
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				<p>OTHER FEE (specify):</p> <p>Subtotal (3) \$0.00</p> <p>Total Amount of Payment: \$27.00</p>																																																																																																			

Submitted by:

Name: Maria S. Swiatek	Reg. No.: 37,244	Telephone: 650-494-8700
DORSEY & WHITNEY LLP	Four Embarcadero Center, Suite 3400 San Francisco, California 94111-4187	Customer Number 32940
Signature:		Date: July 21, 2004



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

**Chris P. McIntosh, et al.**

Serial No. 09/938,098

Filing Date: **August 23, 2002**

For: **DISTRIBUTED CELLULAR  
NETWORK COMMUNICATION  
SYSTEM**

Group Art Unit: **2684**

Examiner: **Tu X. Nguyen**

Confirmation No.: **9835**

Attorney Docket No.: **A-65029/MSS  
(467282-32)**

Date: **July 22, 2004**

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**SMALL ENTITY STATEMENT**

**Technology Center 2600**

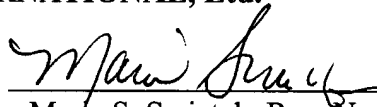
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Assignee hereby asserts entitlement to small entity status and is thereby entitled to pay the small entity fee in accordance with 37 C.F.R. 1.27, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. Further, no rights to the patent are held by any concern which would not qualify as a small business concern under 37 C.F.R. §1.27.

**interWAVE COMMUNICATIONS  
INTERNATIONAL, Ltd.**

Date: July 22, 2004

By

  
Name: Maria S. Swiatek, Reg. No. 37,244  
Attorney for Applicant